

# **EXHIBIT "J"**

## ***Check Technology Case Stays In Texas***

### **IP Law Bulletin, October 13, 2005**

A Texas check imaging company that has rattled money-center banks with sweeping patent litigation has successfully fought back an attempt led by Citigroup to move the case to another jurisdiction.

DataTreasury Corp. said Thursday that Citigroup and Viewpointe Archive Services, a rival check image storage company partially owned by Bank of America, J.P. Morgan Chase and IBM, had both pulled their Declaratory Judgment Actions to change venue in the closely monitored patent lawsuit.

The two defendants had sought to move the case to the Southern District of New York in Citigroup's case and the Northern District of Texas in Viewpointe's. But Judge Ed Kinkeade of Dallas transferred it to the Eastern District of Texas, denying a Viewpointe motion to stop DataTreasury from suing it in the original jurisdiction.

Citigroup filed its dismissal five days after counsel for DataTreasury wrote a letter to Judge Victor Marrero of New York, informing him of the East Texas litigation, according to Ed Hohn, lead attorney for DataTreasury.

Hohn called the defendants' motions "blatant attempts to move the litigation to forums they assumed would be friendlier."

"Citigroup and Viewpointe Archive Services tried to bust out of the corral, but they've been herded back," said Hohn, a partner with the Texas-based law firm Nix, Patterson & Roach, LLP. "Frankly, it's not the sort of move one would expect from defendants comfortable with their claims of non-infringement. In any case, we hope that the other defendants will think twice before wasting the Court's time in this frivolous manner and embarrassing themselves in the process."

DataTreasury has accused Citigroup, Viewpointe Archive Services, Bank of America, Wells Fargo, Wachovia and a number of other financial-services companies of willfully infringing two patents issued to DataTreasury in 1999 and 2000 for image capture, centralized processing and electronic storage of document and check information.

The patents in question were issued for technology relating to electronic image capturing and storage used by most of the largest money-center banks in the U.S.

Check imaging technology allows banks to scan, send and archive images of checks electronically. Instead of paper checks, customers usually receive small images of the front of their checks with their statements.

Such technology could save banks billions, industry experts agree. Banks pay from 90 cents to \$2 to process one check, but electronic check imaging costs pennies.

"DataTreasury's business is built on an invention that we believe has been copied by others, and we have been forced to take this matter to court," said Keith DeLucia, chief executive officer of DataTreasury. "In each and every one of these suits, there are two possible outcomes: settlement and licensing or a trial. DataTreasury is willing to go in either direction."

Earlier this month, Viewpointe filed a counterclaim against DataTreasury in a Texas federal court, court documents show.

The complaint seeks a statement of non-infringement, invalidity and unenforceability of the company's patents for electronic check technology.

The company claims that during the processing of the patent application, DataTreasury submitted a statement to the U.S. Patent and Trademark Office stating that the patent does not include a certain technology when in fact "such a communication network is taught and disclosed in the '808 patent."

In a twist, Viewpointe's parent, JPMorgan Chase, and Bank One (now acquired by JPMorgan Chase) settled the patent-infringement lawsuits DataTreasury had filed against them earlier this year.

Under the terms the settlement, DataTreasury granted JPMorgan Chase (now the parent company of Bank One) a license to utilize the patents on a worldwide basis. As part of the settlement, each of these banks acknowledged the validity and enforceability of DataTreasury's patents and admitted to having infringed them.

But the settlement only partially applied to Viewpointe; the company was not given permission to use the patents.

Viewpointe is the largest provider of digital check and document imaging, archiving, and retrieval services in the United States. Viewpointe's membership represents over 50% of the annual U.S. check processing volume, Viewpointe's goal is to provide image exchange, the ultimate benefit of imaging, on a national scale.

The patents in question are U.S. Patents 6,032,137, and 5,910,988.

Viewpointe is represented in this matter by Vinson & Elkins of Dallas and Skadden, Arps, Slate, Meagher & Flom of New York.

The case is Viewpointe Archive Services, LLC v. DataTreasury Corporation, case number 2:05-cv-00459 in the U.S. District Court Eastern District of Texas.